

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA DEPARTMENT OF HUMAN SERVICES

In the Matter of the Appeal of the
Revocation of the License of Marlene
Ross to Provide Foster Child Care

PROTECTIVE ORDER REGARDING
HENNEPIN COUNTY
INSTITUTIONAL AND
LICENSING FILES

Marlene Ross is challenging the Order for Revocation of her license to provide foster care. The appeal is brought pursuant to Minn. Stat. Section 245A.07, subd. 2. Ms. Ross seeks discovery of documents maintained in the County Agency's licensing and "institutional" files which documents the County Agency's child protection investigation of the foster care facility. These files contain private data and confidential data on subjects other than Ms. Ross. Data in the files is governed by the Minnesota Data Practices Act and the Maltreatment of Minors Reporting Act. See Minn. Stat. Ch. 13 and Minn. Stat. Section 626.556, subd. 11.

Pursuant to Minn. Stat. §§ 13.03, subd. 6 and 13.46, subd. 2(a)(2), and the agreement of the parties, disclosure of private welfare data contained in the Hennepin County Department of Children and Family Services' file numbered CR 23023-00 and the Hennepin County Department of Children and Family Services' Institutional File is permitted subject to the following restrictions:

1. Disclosure of the data is permitted in the course of this matter, but is limited to parties, counsel of record, employees assisting counsel, and representatives of the parties to the extent necessary to prepare and present claims and defenses.
2. The data encompassed by this order may be used only in this proceeding and not for any other purpose.
3. The protective order does not apply to data in the file that is classified as "confidential" pursuant to Minn. Stat. § 626.556, subd. 11. The disclosure of the name of the reporter of suspected child abuse and/or neglect in this case is not permitted.
4. Because the foster parent in this case is not represented by counsel, who otherwise would be effectively bound to comply with this Order, the foster parent may only examine the data covered by this order at the Office of Administrative Hearings at a time and

place designated by the Administrative Law Judge. The foster parent may review and take notes on the data but cannot copy the material or remove it from the Office of Administrative Hearings.

Dated this 18th day of June, 1999

JON L. LUNDE
Administrative Law Judge

MEMORANDUM

The Administrative Law Judge has examined the documents the foster parent also wants to examine. That should be permitted because factual information in the documents is already known to the foster parent and all the data is protected from dissemination to others under this Order.

J.L.L.